

Article - Family Law

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§5–554.

(a) (1) (i) The Department shall conduct the criminal history records check and issue the printed statement provided for under this Part V of this subtitle.

(ii) It shall update an initial criminal history records check for an employee, employer, or individual identified in § 5–551(c), (d), (e), or (f) of this subtitle and issue a revised printed statement in accordance with federal law and regulations on dissemination of FBI identification records.

(2) The Department shall adopt regulations requiring:

(i) employers to verify periodically the continuing employment of an employee and the continuing assignment of a volunteer;

(ii) State or local agencies that license, register, approve, or certify any of the facilities identified in § 5–551(b) of this subtitle to verify periodically the continuing licensure, registration, approval, or certification of a facility or the continuing assignment of individuals identified in § 5–551(e) of this subtitle; and

(iii) child placement agencies that place a child as described in § 5–551(c) of this subtitle to verify periodically the continuing participation or presence of individuals identified in § 5–551(c) of this subtitle.

(3) The employee, employer, volunteer, or other individual identified in § 5–551 of this subtitle is not responsible for payment of any fee to update criminal history records checks.

(b) (1) The Department shall provide an initial and a revised statement of the applicant's State criminal record to:

(i) the recipients of the printed statement specified in subsection (c) of this section; and

(ii) the State Department of Education if the applicant is:

1. an employee of, or an adult resident in, a child care center that is required to be licensed or to hold a letter of compliance under Title 9.5, Subtitle 4 of the Education Article;

2. an employee of, or an adult resident in, a family child care home or large family child care home that is required to be registered under Title 9.5, Subtitle 3 of the Education Article; or

3. an individual who provides or agrees to provide informal child care or an adult who resides in a home where informal child care is being provided or will be provided to a child who does not reside there.

(2) The Department shall distribute the printed statement in accordance with federal law and regulations on dissemination of FBI identification records.

(c) (1) Upon completion of the criminal history records check of an employee, the Department shall submit the printed statement to:

(i) the employee's current or prospective employer at the facility or program;

(ii) the employee; and

(iii) for an employee of a child care center that is required to be licensed or to hold a letter of compliance under Title 9.5, Subtitle 4 of the Education Article or an employee of a family child care home that is required to be registered under Title 9.5, Subtitle 3 of the Education Article, the State Department of Education.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, upon receiving a written request from an employee, the Department shall submit the printed statement to additional employers, if the criminal history records check was completed during the prior 180 days.

(ii) Upon receiving a written request from a student teacher employed under § 6–107 of the Education Article, the Department shall submit the printed statement to additional employers if the criminal history records check was completed during the prior 365 days.

(3) Upon completion of the criminal history records check of an employer, the Department shall submit the printed statement to:

(i) the appropriate State or local agency responsible for the licensure, registration, approval, or certification of the employer's facility; and

(ii) the employer.

(4) Upon completion of the criminal history records check of an individual identified in § 5–551(c), (d), (e), or (f) of this subtitle, the Department shall submit the printed statement to the appropriate child placement or registering agency.

(5) A printed statement issued under this section is valid in any county in the State.

(d) Information obtained from the Department under this Part V of this subtitle shall be confidential and may be disseminated only to the individual who is the subject of the criminal history records check and to the participants in the hiring or approval process.

(e) Information obtained from the Department under this Part V of this subtitle may not:

(1) be used for any purpose other than that for which it was disseminated; or

(2) be redisseminated.

(f) Information obtained from the Department under this Part V of this subtitle shall be maintained in a manner to ensure the security of the information.

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